

1964

CONGRESSIONAL RECORD — SENATE

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Mr. GRUENING. Mr. President, it should be noted that on this material supplied by AID in the column headed "Borrower," in the instances I have cited there appears the name of the private company, not the foreign government.

In each instance, of course, loans at three-quarters of 1 percent interest or "service charge" amounts to an outright grant to the industry or country aided of an additional 75 percent of the face value of the loan since the United States pays about 4 percent for the money it borrows.

If we can afford to make such grants to foreign borrowers, why can we not make similar grants by way of three-quarters of 1 percent interest loans through the Small Business Administration to the victims of Alaska's disastrous earthquake of 1964?

Attempts have been made to pooh-pooh the notion that the rate of interest is important to disaster victims in Alaska and that they are most happy to receive disaster loans from the Small Business Administration at 3 percent interest.

Those who take such an approach overlook the congressional intent in providing for Small Business Administration disaster loans. If the Congress had intended the interest rate for such disaster loans to be set at 3 percent it would have so specified in the legislation.

But the Congress did not do that.

As the able and distinguished senior Senator from South Carolina has stated, the intent of Congress in giving the Administrator of the Small Business Administration discretion to set interest rates on disaster loans at rates up to a maximum of 3 percent was to give the Administrator discretion to vary the rate up to that maximum rate to tailor the aid to suit the circumstances of individual disaster victims. Senator JOHNSTON's statement on the floor of the Senate as to the intent of the Congress is certainly the best evidence of such intent, since he is the author of the disaster loan provision of the Small Business Administration law.

Of course the disaster victims in Alaska are pleased to be granted small business loans at 3 percent. They are pleased with and grateful for all the assistance given them by their solicitous fellow Americans since disaster struck them on Good Friday last. But gratitude is not the issue.

The issue is whether the disaster program of the Small Business Administration is being administered according to the intent of the Congress so as to bring the greatest measure of relief to the victims of disasters. That is the issue.

In the words of the author of the disaster provision of the Small Business Administration law

Some borrowers were being charged a 5-percent rate of interest. We believed that was too much. So we put the figure 3 where the figure 5 had been, with the understanding that borrowers could be charged even less than that amount.

I hope the Senator from Alaska, Mr. Gruening, will bring to the attention of the Senate the problems in his State,

especially in connection with the recent earthquake there. We should let them have these loans as cheaply as they can get them anywhere else in the world.

"Anywhere else in the world," indeed all over the world the United States has been making loans at three-fourths of 1 percent under our foreign assistance program.

Why not equal treatment to Americans who have been the victims of unprecedented disaster.

The mandate to the Small Business Administrator from the Congress is clear. I hope it will be carried out.

DEFENSE OF THEIR COUNTRY: YES—VIETNAM: NO

Mr. GRUENING. I am in receipt of an advertisement published in the New York Herald-Tribune which I think should be taken seriously by our legislators.

It contains the names of young men from a great variety of States in the Union who underscore the policies espoused by Senator MORSE and by me, and say that they would refuse to fight against the people of Vietnam.

I feel they are quite right. As I have repeatedly stated, this is not our war, and all of Vietnam is not worth the life of a single American boy.

I might point out that since the war in Vietnam is an undeclared war and one on which the Congress has taken no action, these young men of draft age cannot be charged with disloyalty or any corresponding offense.

I ask unanimous consent that this advertisement be placed in the RECORD at the conclusion of my remarks.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

We the undersigned are young Americans of draft age. We understand our obligations to defend our country and to serve in the Armed Forces but we object to being asked to support the war in South Vietnam.

Believing that U.S. participation in that war is for the suppression of the Vietnamese struggle for national independence, we see no justification for our involvement. We agree with Senator WAYNE MORSE, who said on the floor of the Senate on March 4, 1964, regarding South Vietnam, that "We should never have gone in. We should never have stayed in. We should get out."

Believing that we should not be asked to fight against the people of Vietnam, we herewith state our refusal to do so.

(Below is a partial list:)

Kim Allen, Massachusetts; Victor Alonso, New York; Robert Apter, New York; Robert Ault, Massachusetts; John H. M. Austin, Connecticut; Barry Barlow, Oregon; Peter Barnett, Pennsylvania; Lee Baxandall, New York; Bernard Berman, Pennsylvania; Jacob Bernstein, Massachusetts; Dean R. Billing, California; Hugh Blachly, Pennsylvania; Harvey Blume, New York; Stephen Bonlime, Robert Bott, Jeff Briggs, Pennsylvania; Frank Brodhead, Larry Brownstein, Connecticut; Leland Bruch, Oregon; Charles Buchanan, New Jersey; James Bundy, Pennsylvania; Edward Campbell, Connecticut; B. Catalinotto, New York; Thomas Christy, Edward Christy, Pennsylvania; Edward Clark, Kentucky; Kenneth Clouse, Pennsylvania; John Coatsworth, Peter Cummings, New York; Robert D'Amato,

Massachusetts; Doyle Davis, Pennsylvania; James Drinkhall, California; Roger Eaton, Robert Eisenberg, Pennsylvania; John Ewell, Connecticut; Joe Eyer, Pennsylvania; David French Feingold, Illinois; Douglas Ferguson, California; Shannon Ferguson, Connecticut; H. Quin Foreman, Peter H. Freeman, New York; Robert Galloway, James Garahan, Pennsylvania; Jeremiah Gelles, New York; Frank Ghigo, Pennsylvania; Andrew Goodman, Marcus Gordon, New York.

Marc Graham, Connecticut; Edmund Hazard, Michael Hedgepeth, Pennsylvania; Harold Hill, Oliver Holmes, Illinois; Alfred Hopkins, New York; Christopher Horton, Illinois; Robert Hume, Pennsylvania; Douglas Ireland, New York; Lance Jackson, Pennsylvania; John Jaros, David Jette, James Johnson, Dan Kalb, New York; Harvey Kahn, Massachusetts; Martin Kanner, New York; Clark Klesinger, Wisconsin; Robert Klein, Pennsylvania; Richard Kling, Illinois; David Koteen, Pennsylvania; Levi Lee Laub, New York; E. Daniel Larkin, Pennsylvania; Carl Laws, Maine; Edward Lemansky, North Carolina; Donald Leslie, Oregon; William Levy, Illinois; James Lewark, Jr., Louisiana; Victor Lippt, Connecticut; Eric Lob, Pennsylvania; Phillip Abbott Luce, Shelbourne Lyman, New York; Andrew MacEwan, Illinois; Albert Maher, Texas; William Malandra, Pennsylvania; David B. Martin, California; Richard Martin, Massachusetts; Paul Mattick, Jr., Pennsylvania; Melvyn Maurer, Robert V. Maxwell, Don McKelvey, New York; John Meeks, Pennsylvania; Alvin Meyer, Gerald Meyer, New Jersey; Paul Miller, Charles Mills, Pennsylvania; George Mitchell, Illinois; James D. Moue, Wisconsin; H. D. Muller, New York; Anthony Murad, California; Martin Nicolaus, Massachusetts.

Theodore A. Ostrow, Peter Owins, New York; Robert Pardum, Colorado; William Parham, Connecticut; Ronald Payne, Massachusetts; David W. Piper, Pennsylvania; Robert A. Potter, Kentucky; David Raboy, Massachusetts; David Raskin, Connecticut; Frank Redfield, R. M. Rhoads, New York; Martin Reisberg, Illinois; Nathan Riley, Massachusetts; Charles Rosen, New York; Jacob Rosen, Georgia; Anthony Rosner, Pennsylvania; Jeffrey Roven, New York; Ralph Sacks, Wisconsin; Michael Samberg, Eric Schutz, New York; Larry Seigle, Minnesota; Jeffrey Shero, Texas; Joel A. Shuffo, Illinois; Charles M. Smith, Texas; Peter Snider, Vermont; Ben Stackler, Illinois; Russell Stetler, Jr., Pennsylvania; Eugene Straus, Reed Straus, New York; Allen Strasburger, New Jersey; William Tabb, Wisconsin; Roger Taus, John J. Thomson, New York; Frank Thompson, Oregon; Mark Tishman, Jack Trompeter, New York; Bruce Tulloch, Pennsylvania; Kent A. Valen, Massachusetts; Richard Van Berg, Richard Van Brunt, Pennsylvania; Doug Wagner, Illinois; David Watts, Pennsylvania; R. Wax, Jerry Weinberg, New York; Charles Weinstein, Massachusetts; Jim Williams, Kentucky; Allan Williamson, Pennsylvania; Robert Wright, District of Columbia; David R. Yale, New York; Philip Zaret, Michigan.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the distinguished senior Senator from Iowa without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer the district courts of the United States to provide injunctive

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relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

AMENDMENT NO. 888

Mr. HICKENLOOPER. Mr. President, first I send to the desk an amendment to strike sections 404, 405, and 406 of the House bill, and ask unanimous consent that it may be considered as having been read.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HICKENLOOPER. I ask unanimous consent that it may be numbered, and that the number may be inserted in the unanimous-consent request at the appropriate point when I refer to it later.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 888) is as follows:

On page 15, beginning with line 12, strike out all through line 24 on page 16.

AMENDMENT NO. 889

Mr. HICKENLOOPER. Mr. President, I ask unanimous consent that the Senator from Kentucky [Mr. MORTON] be permitted to file an amendment at the desk under the terms that he requested. These two amendments should carry numbers which would connect them with the unanimous-consent request which I shall propose in a moment. But I should like to make a preliminary statement before presenting the unanimous-consent request.

The PRESIDING OFFICER. Is there objection? The Chair hears none. It is so ordered.

Mr. MORTON. Mr. President, I ask unanimous consent that the amendment be filed, printed, be permitted to lie at the desk and considered as read. I further ask unanimous consent that when the amendment is assigned a number, that number be placed among those assigned to the amendments of the Senator from Iowa.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table; and without objection, will be considered as read.

The amendment No. 869 reads as follows:

On page 2, beginning with line 1, strike out all through line 8 on page 3.

On page 3, strike out all of line 9 and insert in lieu thereof:

"TITLE XI—JURY TRIALS OF CRIMINAL
CONTEMPTS"

On page 3, strike out lines 10 through 16, and insert the following:

"Sec. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than \$1,000 or imprisoned for more than six months."

On page 3, strike out all of line 17 and insert in lieu thereof "This".

On page 3, line 22, strike out the single quote before "Nor".

On page 3, lines 22 and 23, strike out "or in any other provision of law".

On page 4, line 4, strike out the single quote.

On page 4, line 5, strike out "1103" and insert "1102".

Mr. HICKENLOOPER. Mr. President, many Senators are not particularly happy with many provisions of the House bill as it came over. Some of those objections will carry over to certain provisions of the so-called package amendment in the nature of a substitute which has been laid down.

There has been a great deal of discussion over the past many weeks. There has been a great deal of discussion about reaching a vote on amendments. Some of us who have convictions no deeper than the convictions of other Senators—but we happen to have some similar convictions about some of these matters—have been discussing the desirability, the advantage, and the propriety of asking the indulgence of the Senate, and the permission of the Members of the Senate to be able to vote on certain amendments which we believe to be very important. Regardless of whether Senators vote for them or against them, we would like to proceed to vote on these amendments.

Mr. President, I believe I speak for approximately 20 Senators on this side of the aisle. There are about 3 whom I have not directly consulted on this matter, but there are about 17 with whom I have talked. So I am speaking from direct contact and personal expression on their part. I cannot quote the other three to whom I shall be referring, nor can I say exactly how they feel. But I know enough about their thinking to say that I believe they are in full sympathy with this procedure. They are concerned. Many of them have not made up their minds what they will or will not do in connection with future action on the bill. Some have. But there is a substantial number whose minds have not been fully crystallized, and who are concerned. Therefore we have the proposal or suggestion that three amendments which have been thrashed out from among a good many might receive the indulgence of the Senate by way of a vote.

I am well aware that probably all of us have various types of amendments, corrections, or alterations which we would like to see made to many sections of the bill. Legislation is not necessarily always exactly as each Member would like to have it. But the amendments which I will propose for consideration under a unanimous-consent request do represent some important approaches to the bill. And as I say, without in any way having a unanimous-consent request to commit any Senator to a vote on either side of an amendment, or on any future action here, the burden and thrust of this presentation is that there will be 2 hours to a side for a discussion of the three particular amendments, and then will vote.

Mr. President, I cannot

yet fill in the numbers of the jury trial amendments unless they are now at the desk.

The PRESIDING OFFICER. The numbers are now available.

Mr. HICKENLOOPER. I thank the Chair. I have the numbers assigned to the respective amendments.

Therefore, I am prepared to make this request. I hope the Senate will indulge me if I read this request, rather than send it to the desk at the moment, because there may be some amplifying explanation as we go through it.

I submit the following proposed unanimous consent agreement:

UNANIMOUS-CONSENT REQUEST

I request unanimous consent that:

1. On Monday, June 8, next, beginning at 2 p.m. the Senate proceed to the consideration of amendment No. 889, proposed to the pending bill with debate limited to 2 hours on a side, to be controlled by the proponent of the amendment and the majority leader respectively; that the conclusion of such 4-hour debate, vote on the amendment shall be postponed until immediately after the ascertaining of a quorum following the convening of the Senate on Tuesday, June 9, next.

2. That immediately following such vote the Senate shall proceed to the consideration of amendment No. 888 to strike sections 404, 405, and 406 to H.R. 7152 with 2 hours debate limitation on each side as proposed and to be controlled as provided in 1 above and that at the conclusion of such debate the Senate shall proceed to vote on said proposed amendment.

3. That following such vote the Senate shall proceed to take up amendment No. 806 (referred to as Cotton amendment) proposing to limit the jurisdiction of the Federal Government to employers of 100 employees (under the formula in such provision) and that debate be limited as in 1 and 2 above to 2 hours on each side, the time controlled as provided in 1 above; and that immediately following the termination of such 4-hour debate, the Senate proceed to vote on said proposed amendment.

4. Provided further, that the time consumed by any amendment or substitute (if eligible) proposed to any of said three amendments referred to in 1, 2, or 3, above, shall be included in, and not be in addition to, the debate limitation time above provided for; provided further, that any proposed amendments or substitutes (if eligible) to each of said proposed amendments referred to as 1, 2, or 3 shall be germane thereto.

I shall now proceed to discuss the unanimous-consent agreement in detail. The first part reads:

Mr. President, I request unanimous consent that (1) on Monday, June 8, next, beginning at 2 p.m., the Senate proceed to the consideration of amendment No. 889—

Parenthetically, that is the jury amendment proposed by the Senator from Kentucky—

proposed to the pending bill, with debate limited to 2 hours on a side, to be controlled by the proponent of the amendment and the majority leader respectively; that at the conclusion of such 4-hour debate, vote on the amendment shall be postponed until immediately after the ascertaining of a quorum following the convening of the Senate on Tuesday, June 9, next.

I think I should explain to Senators that rather unusual procedure or request. A long time ago, Members of the Senate who have oc-